

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In Re: AUTOMOTIVE PARTS
ANTITRUST LITIGATION

12-md-02311
Honorable Marianne O. Battani

In re: ANTI-VIBRATION RUBBER PARTS
END-PAYOR CASES

2:13-cv-00803-MOB-MKM

THIS RELATES TO:
MELISSA BARRON, et al.,

2:13-cv-10801-MOB-MKM

Plaintiffs,

vs.

YAMASHITA RUBBER CO., LTD., et al.,

Defendants.

**STIPULATION REGARDING ACCEPTING
SERVICE OF COMPLAINT**

End-Payor Plaintiffs have filed the above-captioned action (“Action”) against Defendants Yamashita Rubber Co., Ltd., YUSA Corporation, Tokai Rubber Industries, Ltd., and DTR Industries, Inc., alleging violations of Section 1 of the Sherman Act as well as various State antitrust, consumer protection, and unjust enrichment laws in connection with the sale of automobile anti-vibration rubber parts. So as to preserve both party and judicial resources, End-Payor Plaintiffs and Defendants Yamashita Rubber Co., Ltd., YUSA Corporation, Tokai Rubber Industries, Ltd. and DTR Industries, Inc. (“Stipulating Defendants”), by and through their undersigned counsel, stipulate to the following with respect to the Action.

1. Counsel for Stipulating Defendants accepts service of the complaint, filed on February 27, 2013, on behalf of the Stipulating Defendants, in satisfaction of the requirements of Fed. R. Civ. P. 4.

2. Consistent with a Case Management Order to be entered in this Action, Stipulating Defendants shall, as permitted by Fed. R. Civ. P. 12, answer, move, or otherwise respond within 60 days of: (a) service on counsel for Stipulating Defendants of complete and unredacted copies in English and Japanese of the consolidated amended class action complaint in MDL 2311 asserting claims based on sales of automobile anti-vibration rubber parts, or (b) service of notice from the End-Payor Plaintiffs in MDL 2311 that they will not file a consolidated amended class action complaint.

3. Notwithstanding paragraph 2 above, if Stipulating Defendants file an answer, move or otherwise responds pursuant to Fed. R. Civ. P. 12 in any related action asserting claims based on sales of automobile anti-vibration rubber parts before the date required by this stipulation, Stipulating Defendants will concurrently file their answer, move or otherwise respond as permitted by Rule 12 in this Action.

4. End-Payor Plaintiffs and Stipulating Defendants stipulate and agree that the entry into this stipulation by Stipulating Defendants shall not constitute a waiver of (a) any jurisdictional defenses that may be available under Rule 12 of the Federal Rules of Civil Procedure, (b) any affirmative defenses under Rule 8 of the Federal Rules of Civil Procedure or (c) any other statutory or common law defenses that may be available to Stipulating Defendants in this or any other related actions. Stipulating Defendants expressly reserve their right to raise any such defenses (or any other defense) in response to (a) the current Complaint or any

amended and/or consolidated complaint that may be filed on behalf of any of the End-Payor Plaintiffs, and/or (b) any complaint that may be filed in any related action.

5. End-Payor Plaintiffs further agree that the terms of this stipulation are available, without further stipulation with counsel for End-Payor Plaintiffs, to all named defendants who notify End-Payor Plaintiffs in writing of their intention to join this Stipulation.

6. The parties shall submit a proposed case management order and discovery plan, consistent with the orders and discovery plans submitted in connection with the other Automotive Parts cases in MDL 2311.

IT IS SO STIPULATED.

Dated: April 24, 2013

/s/ Hollis Salzman
Hollis Salzman
Bernard Persky
William V. Reiss
ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
601 Lexington Avenue, Suite 3400
New York, NY 10022
Telephone: (212) 980-7400
hsalzman@rkmc.com
bpersky@rkmc.com
wreiss@rkmc.com

Marc M. Seltzer
Steven G. Sklaver
SUSMAN GODFREY LLP
1901 Avenue of the Stars, Suite 950
Los Angeles, CA 90067-6029
Telephone: (310) 789-3100
Facsimile: (310) 789-3150
mseltzer@susmangodfrey.com
ssklaver@susmangodfrey.com

Terrell W. Oxford
Warren T. Burns
SUSMAN GODFREY LLP
901 Main Street, Suite 5100
Dallas, Texas 75202
Telephone: (214) 754-1900
Fax: (214) 754-1933
toxford@susmangodfrey.com
wburns@susmangodfrey.com

Frank C. Damrell
Steven N. Williams
Adam J. Zapala
Elizabeth Tran
COTCHETT, PITRE & McCARTHY, LLP
San Francisco Airport Office Center
840 Malcolm Road, Suite 200
Burlingame, CA 94010
Telephone: (650) 697-6000
Facsimile: (650) 697-0577
fdamrell@cpmlegal.com
swilliams@cpmlegal.com
etran@cpmlegal.com
azapala@cpmlegal.com

***Interim Co-Lead Class Counsel for End-Payor
Plaintiffs***

Dated: April 24, 2013

/s/ J. Clayton Everett, Jr.

J. Clayton Everett, Jr.
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Telephone: (202) 739-3000
Facsimile: (202) 739-3001
jeverett@morganlewis.com

***Counsel for Defendants Tokai Rubber
Industries, Ltd. and DTR Industries, Inc.***

Dated: April 24, 2013

/s/ James L. Cooper

James L. Cooper
Danielle M. Garten
ARNOLD & PORTER LLP
555 Twelfth Street NW
Washington, DC 20004
Telephone: (202) 942-5014
Facsimile: (202) 942-5999
james.cooper@aporter.com
danielle.garten@aporter.com

***Counsel for Defendants Yamashita Rubber Co.,
Ltd. and YUSA Corporation***